

Senate Bill 146

By: Senators Ginn of the 47th, Mullis of the 53rd, Jones of the 25th, Beach of the 21st, Miller of the 49th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide that retail package liquor stores may conduct tasting events at which samples of alcoholic beverages may be served; to provide for definitions; to provide for terms and conditions of tasting events; to provide for notification of tasting events; to provide for the remission of taxes applicable to tasting events; to provide for the promulgation of rules and regulations by the state revenue commissioner; to specify that manufacturers and wholesalers may provide samples of alcoholic beverages to retail dealers under certain conditions; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising Code Section 3-3-26, relating to allowing or permitting the breaking of packages or drinking of contents thereof on premises, as follows:

"3-3-26.

Except as provided in Chapter 15 of this title, no retail package liquor store ~~No retail dealer~~ shall knowingly and intentionally allow or permit the breaking of any package or packages containing alcoholic beverages on the premises where sold or allow or permit the drinking of the contents of such package or packages on the premises where sold. ~~This Code section shall not apply with respect to sales pursuant to a license for consumption on the premises."~~

SECTION 2.

Said title is further amended by revising Code Section 3-4-25, relating to holder of retail dealer's license authorized to sell only unbroken packages and prohibition against the breaking of packages or drinking of the contents thereof on the premises, as follows:

"3-4-25.

(a) Except as provided in Chapter 15 of this title, a ~~A~~ retail dealer's license shall authorize the holder to sell distilled spirits only in the original and unbroken package or packages, which ~~package or packages~~ shall contain not less than 50 milliliters each.

(b) Except as provided in Chapter 15 of this title, a retail dealer's ~~The~~ license shall not permit the breaking of the package or packages on the premises where sold and shall not permit the drinking of the contents of the package or packages on the premises where sold."

SECTION 3.

Said title is further amended by adding a new chapter to read as follows:

"CHAPTER 15

3-15-1.

As used in this chapter, the term:

(1) 'Licensed premises' means any premises in which any alcoholic beverages are sold in unbroken packages and shall include any premises which are required by law to be licensed to sell any alcoholic beverages in unbroken packages.

(2) 'Licensee' means the holder of a retail package liquor store license.

(3) 'Operator' means an owner, licensee, operator, manager, or person in charge of any licensed premises.

(4) 'Sample' means a small amount of any malt beverage, wine, or distilled spirits.

(5) 'Tasting event' means a scheduled event hosted by a licensee at which free samples may be provided and that may be open to the general public or limited by invitation.

3-15-2.

(a) Notwithstanding any other provision of this title, in all counties and municipalities in which the sale of alcoholic beverages is lawful, retail package liquor stores shall be authorized to conduct up to 52 tasting events per calendar year, subject to the following terms and conditions:

(1) A tasting event shall only take place on the licensed premises and only at times at which such alcoholic beverages may be lawfully sold on such licensed premises;

(2) Only one tasting event per day may be held on the licensed premises and such tasting event shall not exceed four hours;

(3) Only one type of alcohol beverage may be served at a tasting event, either malt beverages, wine, or distilled spirits; provided, however, that more than one brand of such

type of alcoholic beverage may be offered as samples so long as not more than four packages are open at any one time;

(4) If the tasting event is for malt beverages, a consumer shall not be served more than eight ounces of malt beverages during such tasting event. If the tasting event is for wine, a consumer shall not be served more than five ounces of wine during such tasting event. If the tasting event is for distilled spirits, a consumer shall not be served more than one and one-half ounces of distilled spirits during such tasting event;

(5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises may be offered as samples as part of a tasting event, and such alcoholic beverages shall be part of the licensee's inventory;

(6) Only food that is lawful to sell on the licensed premises, under this title or under any rules or regulations of the commissioner, may be served as part of a tasting event. Such food shall be offered at no cost to the consumer;

(7) Any operator or employee of the licensee may refuse to provide a sample of any brand, type, or quantity of alcoholic beverage to any consumer;

(8) If a tasting event is advertised, it shall be open to the public;

(9) The licensee shall notify the county or municipality that issued the retail package liquor store license to the licensee prior to holding a tasting event using a method to be established by such county or municipality;

(10) Any broken package containing alcoholic beverages on the licensed premises that is not licensed for retail sales for consumption on the premises shall be kept locked in a secure room or cabinet by the operator of the licensed premises except when in use during a tasting event;

(11) Representatives and salespersons of manufacturers or wholesalers may attend a tasting event; provided, however, that such representatives and salespersons shall not host the tasting event, pour any alcoholic beverage, or provide anything of value to any consumer or to the licensee or an employee of a licensee during the tasting event; and

(12) Any other terms, conditions, and limitations as may be required or imposed by the governing authority of the county or municipality.

(b) Any licensee conducting a tasting event pursuant to this Code section shall remit all state and local sales, use, and excise taxes to the proper tax collecting authority.

3-15-3.

(a) Nothing in this chapter shall be construed to prohibit a representative or salesperson of a manufacturer or wholesaler from opening a package of alcoholic beverages on the premises of a retail package liquor store or other retail dealer for the purposes of providing a sample of such alcoholic beverage product to a retail dealer or its employees for

consumption on the licensed premises; provided, however, that such sample shall not exceed more than one and one-half ounces per product.

(b) All samples authorized under subsection (a) of this Code section shall be provided and consumed in the presence of a representative or salesperson of the manufacturer or wholesaler in an office, storage room, or other area of the licensed premises of the retail dealer that is closed to the public.

(c) Any broken package containing alcoholic beverages on the licensed premises that is not licensed for retail sales for consumption on the premises shall be kept locked in a secure room or cabinet by the operator of the licensed premises except when in use as provided for in this Code section.

3-15-4.

The commissioner shall promulgate and enforce such rules and regulations as he or she may deem reasonable and necessary to effectuate the provisions of this chapter.

3-15-5.

Upon a violation by a retail dealer of any provision of this chapter or any rule or regulation promulgated thereunder, the commissioner shall have the power to place conditions or limitations on such retail dealer's license and to modify or amend such conditions or limitations."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.